

Message Text

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INFO OCT-01 IO-13 ISO-00 FEA-01 ACDA-07 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00

DOT-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02

INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

SAL-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 OIC-02 /160 W
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R 172146Z SEP 76

FM USMISSION USUN NY

TO SECSTATE WASHDC 9244

C O N F I D E N T I A L SECTION 1 OF 2 USUN 3794

FROM LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOS CONFERENCE: FINAL ON-THE-RECORD STATEMENTS

SUMMARY - THE FINAL ON-THE-RECORD DISCUSSIONS IN COMMITTEE WERE LESS STRIDENT THAN SOME OF THE EARLIER DISCUSSIONS, BUT THE SUBSTANTIVE POSITIONS OF THE VARIOUS GROUPS REMAINED INTACT. END SUMMARY.

1. COMMITTEE I MET IN FORMAL SESSION ON SEPTEMBER 9, 10, AND 14 TO HEAR CO-CHAIRMEN'S REPORT OF WORKSHOP ACTIVITIES AND TO OFFER OPPORTUNITY FOR ALL DELEGATIONS TO MAKE ON-THE-RECORD STATEMENTS ABOUT THE SESSION. THE CO-CHAIRMEN'S REPORT, PREPARED BY SONDAAL ALONE IN THE ABSENCE OF JAGOTA, IS DIVIDED INTO TWO SECTIONS: A RATHER STRAIGHT FORWARD ACCOUNT OF THE THREE WORKSHOP PAPERS ON THE SYSTEM OF EXPLOITATION AND THE DISCUSSION CONCERNING THEM; AND A CO-CHAIRMEN'S ASSESSMENT WHICH IS MORE DESCRIPTIVE THAN
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ANALYTICAL.

2. DELEGATIONS' COMMENTS WITH FEW EXCEPTIONS IGNORED THE REPORTS AND OFFERED THEIR OWN ASSESSMENT OF WHAT HAD OCCURRED AT THIS SESSION. A TOTAL OF THIRTY-FOUR DELEGATIONS SPOKE, AND ALTHOUGH THERE WERE SOME SIGNS OF MODERATION IN THE EARLY INTERVENTIONS BY THE GROUP OF 77, THERE WAS NO INDICATION OF ANY BASIC SHIFT IN POSITION BY ANY GROUP. IN SUM THE DEBATE ENDED PRETTY MUCH WHERE IT BEGAN. THE CHARACTER OF THE INTERVENTIONS IN THE FINAL SESSIONS CAN BE DIVIDED ROUGHLY INTO FOUR CATEGORIES:

A. GROUP OF 77 IDEOLOGUES. THIS GROUP CONSISTED OF ALGERIA, TANZANIA, IRAQ, LIBYA AND, TO OUR SURPRISE, ZAMBIA AND ECUADOR. THE PRC, ALBANIA, AND NORTH KOREA SUPPORTED THIS POSITION BUT DID NOT LEAD IN ITS ARTICULATION. THE MAJOR THEMES PURSUED BY THIS GROUP WERE:

-- THE PARALLEL SYSTEM, INASMUCH AS IT MEANS GUARANTEED ACCESS BY STATES AND "MULTINATIONAL CORPORATIONS", CAN NEVER BE ACCEPTED. THE CONFERENCE SHOULD RETURN TO THE GENEVA TEXT AS THE BASIS FOR NEGOTIATION.

-- THE AUTHORITY MUST EXERCISE TOTAL CONTROL OVER EXPLOITATION AND EXPLORATION IN THE AREA AND HAVE COMPLETE DISCRETIONARY POWER CONCERNING THE SELECTION OF APPLICANTS.

-- THE TEXTS SUBMITTED BY THE US AND THE USSR ON THE SYSTEM OF EXPLOITATION DO NOT RECOGNIZE THE CONCEPT OF THE COMMON HERITAGE OF MANKIND OR THE NEW ECONOMIC ORDER. THESE CONCEPTS MUST BE REFLECTED IN THE LOS TREATY.

-- THE "HAVES", SPECIFICALLY THE US AND THE USSR, WANT TO CONTINUE THEIR DOMINANCE OVER AND EXPLOITATION OF THE "HAVE NOTS". THE DEVELOPING WORLD WILL NO LONGER TOLERATE THIS. TANZANIA LIKENED THE PARALLEL SYSTEM TO SOUTH AFRICAN APARTHEID-SEPARATE BUT INHERITENTLY UNEQUAL.
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-- THE WILL OF THE MAJORITY OF STATES IS CLEAR AND SHOULD BE ABIDED BY. TANZANIA AND ALGERIA SPECIFICALLY SUGGESTED VOTING AT THE NEXT SESSION.

B. MODERATE GROUP OF 77 MEMBERS. THIS GROUP INCLUDED MEXICO, IVORY COAST, SENEGAL, GUATEMALA, PERU, CAMEROON,

JAMAICA, PERU, BRAZIL, ROMANIA AND YUGOSLAVIA. ITS BASIC THEMES WERE:

-- THE GROUP OF 77 PROPOSAL ON THE SYSTEM OF EXPLOITATION IS THE BASIS FOR COMPROMISE. IT ALLOWS STATE AND PRIVATE ACCESS FOR AT LEAST A LIMITED PERIOD UNDER THE CONTROL OF AND AT THE DISCRETION OF THE AUTHORITY. HOWEVER, SPECIFIC LIMITS ON THE POWER OF THE AUTHORITY COULD BE SPELLED OUT TO RELIEVE THE CONCERNS EXPRESSED BY THE INDUSTRIALIZED COUNTRIES.

-- THE ENTERPRISE MUST BE MADE VIABLE AND THE DETAILS OF HOW IT CAN ACQUIRE THE NECESSARY FINANCING, TECHNOLOGY, AND PERSONNEL MUST BE SPELLED OUT.

-- MANY OF THE PROBLEMS THIS SESSION WERE CAUSED BECAUSE THE SESSION HAD BEEN HELD PREMATURELY AND THERE HAD BEEN INADEQUATE TIME TO DIGEST THE WORK OF THE PREVIOUS CONFERENCE AND DEVELOP NEW POSITIONS. NEVERTHELESS, THE SESSION DID NOT HAVE POSITIVE ASPECTS SINCE IT MORE CLEARLY IDENTIFIED THE MAJOR AREAS OF DISAGREEMENT AS POLITICAL PROBLEMS WHICH COULD ONLY BE SOLVED BY BROAD COMPROMISE.

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C O N F I D E N T I A L SECTION 2 OF 2 USUN 3794

C. THE MAJOR INDUSTRIALIZED DEMOCRACIES. THIS GROUP CONSISTED OF THE US, FRANCE, THE UK, JAPAN, THE FRG, AND THE NETHERLANDS SPEAKING FOR THE EC. IN THE FINAL SESSIONS THE MOST EXTENSIVE PRESENTATION WAS MADE BY THE U.S. WITH THE OTHER INDUSTRIALIZED STATES GENERALLY CONFINING THEMSELVES TO EMPHASIZING THE NEED FOR GUARANTEED AND PERMANENT ACCESS FOR STATES AND PRIVATE ENTITIES IF THE MINIMUM NEEDS OF THE "MINORITY" (THE INDUSTRIALIZED STATES) ARE TO BE MET AND IF THERE ARE TO BE ADEQUATE INCENTIVES FOR EXPLOITATION OF THE SEABEDS. IN ADDITION, THE US EMPHASIZED:

-- PART OF THE PROBLEM OF THE CONFERENCE IS THAT THERE IS NO SHARED SENSE OF URGENCY ABOUT REACHING AGREEMENT. SOME DELEGATIONS HAVE SUGGESTED THAT ARTIFICIAL TIME LIMITS BE ESTABLISHED TO FORCE DECISIONS; OTHERS HAD SUGGESTED VOTING. THE US HAS AN OPEN MIND ABOUT THE METHOD TO BE EMPLOYED, BUT AGREES THAT THE GROUP OF 77 CLEARLY NEEDS A TIME DEADLINE IN ORDER TO NEGOTIATE.

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-- THE U.S. WILL BE PREPARED TO SPELL OUT THE DETAILS OF ITS PROPOSAL ON FINANCING THE ENTERPRISE AT THE APPROPRIATE TIME. WE HAVE NOT DONE SO YET BECAUSE OUR PROPOSAL IS CONDITIONAL ON AGREEMENT UPON A SATISFACTORY ACCESS SYSTEM. COUNCIL, AND ARTICLE 9. MOREOVER, FINANCING THE ENTERPRISE IS AN OBLIGATION TO BE UNDERTAKEN BY ALL STATES, AND WE MUST DISCUSS THE ISSUE INFORMALLY WITH OTHER STATES, PARTICULARLY THOSE WHO WILL LIKELY BEAR THE LARGEST SHARE OF THE BURDEN.

-- THERE IS AN OBVIOUS IDEOLOGICAL DIVISION WITH COMMITTEE I, BUT WE DO NOT BELIEVE THAT THE GAP IS AS WIDE AS THE TENOR OF THE DEBATE WOULD INDICATE. THIS WILL NOT BE DEMONSTRATED, HOWEVER, UNTIL WE GET DOWN TO THE CRUNCH IN SERIOUS NEGOTIATIONS.

D. THE EASTERN EUROPEAN SOCIALIST GROUP: THE USSR AND GDR. IN THE FINAL DEBATE, THE SOVIET UNION AND THE GDR STRUCK TO ONE BASIC THEME: THE SOCIALIST STATES REPRESENTED AN IMPORTANT AND UNIQUE SEGMENT OF THE INTERNATIONAL COMMUNITY WHOSE INTERESTS HAD TO BE ACCOMMODATED IN AN LOS TREATY. ACCESS FOR STATES MUST BE AUTOMATIC AND COMPETITION BETWEEN STATES, OR STATES AND PRIVATE ENTITIES FOR SEABED CONTRACTS WAS COMPLETELY UNACCEPTABLE.

3. IN THE COURSE OF THESE DEBATES, A NUMBER OF
DELEGATIONS FROM ALL GROUP (INCLUDING FRANCE AND THE SOVIET
UNION) MENTIONED THE NEED FOR A QUOTA PROVISION.

4. COMMENT: THE SUBSTANCE OF THE INTERVENTIONS IN THE
FINAL SESSIONS ESSENTIALLY PARALLELED THAT TAKEN DURING
THE REST OF THE CONFERENCE. THE TONE, HOWEVER,
WAS LESS STRIDENT, BUT PERHAPS AS MUCH FROM FATIGUE AS FROM
A DESIRE TO END ON A MORE POSITIVE NOTE.
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